IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.2122 of 2007

K.R.S. Narayanan Petitioner
Vs.
M/s. Kirty Auto Suppliers & ors. Respondents

Ms.Sushma Singh for petitioner.
Mr.S.S.Redij for respondents.

CORAM: B.H.MARLAPALLE,J.

March 30, 2007.

P.C.

. Heard Mrs.Singh, the learned counsel for the petitioner-landlord and Mr.Redij for the respondents. An application was filed in RAE & R Suit No.336/787 of 1995 and registered as Interim Notice No. 2948 of 2004 for modification of the earlier order dated 15/3/2000 passed in Notice No.2547 of 1999 and also for the appointment of architect. This application came to be rejected. The learned counsel for the petitioner has fairly given up the claim for appointment of architect for the time being but she pleaded for enhancement of the deposit amount by the tenant during the pendency of the suit on account of the increase in Municipal taxes as well as the maintenance charges required to be paid by the landlord to the Society i.e. Kailash Darshan Office & Business Premises Co-operative Society Ltd.. The

learned counsel for the respondents on the other hand has raised the issue of maintainability of this petition on the grounds that a revision application would lie before the Division Bench of the Small Causes Court under Section 29(3) of the Bombay Rents, Hotel and Lodging House Rates (Control) Act, 1947.

. Without entering into the controversy regarding the maintainability of this petition, on account of the alternate remedy, the dispute between the parties needs to be settled so far as the amount of deposit to be made in the Small Causes Court during the pendency of the suit is concerned. The Statement annexed at Exhibit "G" shows that from April 2000 onwards there is increase in the Municipal taxes as well as the maintenance charges. In addition it is noted that the Municipal taxes which were at Rs.5,358/- per annum on 1/4/2000 have gone up to Rs.6,616/- as on 1/4/2001 and again for the remaining years from 1/4/2002 the said amount has gone up to Rs.7,036/-. Similarly maintenance charges from Rs.2,960/- have gone up to Rs.5,960/-. It is thus clear that the landlord’s liability towards the Municipal taxes, maintenance charges and other service charges has gone up by about Rs.5000/- per

annum.

. Hence it is directed that the respondents shall deposit an additional amount of Rs.400/- (Rupees four hundred) per month with the Registry of the Small Causes Court during the pendency of the Suit. This direction is without prejudice to the rights and contentions of the respective parties.

. The petition is disposed off accordingly.

(B.H